

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

BRIAN J. STRETCH (CABN 163973)  
Chief, Criminal Division

GARTH HIRE (CABN 187330)  
Assistant United States Attorney

1301 Clay Street, Suite 340-S  
Oakland, California 94612-5217  
Telephone: (510) 637-3929  
Facsimile: (510) 637-3724  
E-Mail: Garth.Hire@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR 09-00070 SBA
	)	
Plaintiff,	)	STIPULATION AND ORDER
	)	CONTINUING STATUS CONFERENCE
v.	)	AND EXCLUDING TIME
	)	
JEROME TOY SINCLAIR,	)	
	)	
Defendants.	)	

Plaintiff, by and through its attorney of record, and defendant, by and through his attorney of record, hereby stipulate and ask the Court to find as follows:

1. A status conference in this matter is currently scheduled for 9 a.m. on Tuesday, October 6, 2009.

2. The parties request that this hearing be continued until 9 a.m. on Tuesday, October 20, 2009, in order to provide defendant's counsel with additional time to evaluate the evidence in this case and determine whether or not defendant should enter a change of plea or file motions and to prepare for trial in this matter.

STIPULATION AND ORDER RESCHEDULING  
HEARING; EXCLUDING TIME

1           3.       Specifically, defendant's counsel needs the continuance in order to review  
2 discovery with defendant, particularly additional discovery to be produced by the government  
3 regarding laboratory results, investigate the case, and develop a motions and/or trial strategy in  
4 light of the discovery. The parties believe that failure to grant the above-requested continuance  
5 would deny defendant's counsel and defendant the reasonable time necessary for effective  
6 preparation taking into account the exercise of due diligence and that the ends of justice served  
7 by continuing the case as requested outweigh the interest of the public and defendant in a trial  
8 within the date prescribed by the Speedy Trial Act.

9           4.       Thus, the parties respectfully request that the Court find that the time period from  
10 October 6, 2009, to October 20, 2009, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A),  
11 (B)(iv) because it results from a continuance granted by the Court at the defendant's request and  
12 on the basis of the Court's finding that the ends of justice served by taking such action outweigh  
13 the best interest of the public and the defendant in a speedy trial and because failure to grant the  
14 continuance would unreasonably deny defense counsel the time necessary for effective  
15 preparation for trial, taking into account due diligence.

16       IT IS SO STIPULATED.

17                               JOSEPH P. RUSSONIELLO  
18                               United States Attorney

19       Dated: October 5, 2009

                              /s/\_\_\_\_\_  
20       GARTH HIRE  
21       Assistant United States Attorney  
22       Attorney for United States of America

23       Dated: October 5, 2009

                              /s/\_\_\_\_\_  
24       JOYCE LEAVITT  
25       Attorney for Defendant  
26       Jerome Toy Sinclair

**ORDER**

FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

1. The currently scheduled October 6, 2009, status conference hearing is vacated. A status conference hearing is now scheduled for 9:00 a.m. on October 20, 2009.

2. The time period from October 6, 2009, to October 20, 2009, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendant's request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence.

DATED: 10/6/09

  
HONORABLE SAUNDRA BROWN ARMSTRONG  
UNITED STATES DISTRICT JUDGE